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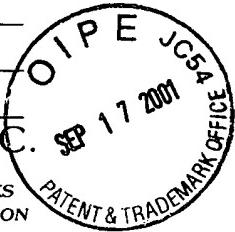
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CERTIFICATE OF MAILING

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Signature

Kathleen M. Bastarache
Typed or printed name of person signing certificate

September 13, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

Subject: Applicants: Francis P. Tally, Jianshi Tao, Philip A. Wendler, Gene Connelly and Paul L. Gallant
Application No.: 09/227,687
Filed: January 8, 1999
Title: Method for Identifying Validated Target and Assay Combinations for Drug Development
Docket No.: 1592.1050-003 (Formerly CPI98-03p9MA)

Sir:

Please find enclosed a Terminal Disclaimer, for filing in the above-referenced application.

The statutory fee in the amount of \$110.00 for filing the disclaimer is attached. Please charge any other fees to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Carol A. Egner
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**TERMINAL DISCLAIMER TO OBLVIAE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION**

In re Application of:

Francis P. Tally, Jianshi Tao, Philip A. Wendler, Gene Connelly and Paul L. Gallant

PATENT & TRADEMARK OFFICE
Application No:

09/227,687

Filed:

January 8, 1999

For: Method for Identifying Validated Target and Assay Combinations for Drug Development

#17

The owner, Cubist Pharmaceuticals, Inc. of one hundred percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/344,783, filed on June 25, 1999. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The terminal disclaimer fee under 37 CFR 1.20(d) is enclosed.

The undersigned is an attorney of record.

September 13, 2001
Date

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